

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 82591

This is to certify that: **TETON FARMS I LLC**
C/O RICHARD BERG
PO BOX 1670
DRIGGS, ID 83422

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
22-14224	WR/DECREED	12/20/1950	0.600 cfs	N/A	61.0	67.0	SPRING CREEK
22-14225	WR/DECREED	12/19/1950	0.600 cfs	101.5 af	29.0	67.0	GROUND WATER
22-14226	WR/DECREED	7/21/1977	0.600 cfs	111.0 af	37.0	67.0	GROUND WATER
22-500B	WR/DECREED	6/1/1886	0.680 cfs	N/A	N/A	34.0	SPRING CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
22-14224	NO	YES	YES	YES	NO	NO
22-14225	NO	YES	YES	YES	NO	NO
22-14226	NO	YES	YES	YES	NO	NO
22-500B	NO	NO	YES	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
22-14224	22-14224	0.600 cfs	N/A	61.0	117.0	N/A	N/A	N/A	N/A	N/A
22-14225	22-14225	0.600 cfs	101.5 af	29.0	117.0	N/A	N/A	N/A	N/A	N/A
22-14226	22-14226	0.600 cfs	111.0 af	37.0	117.0	N/A	N/A	N/A	N/A	N/A
22-500B	22-500B	0.680 cfs	N/A	34.0	117.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		2.080 cfs	N/A	101.0	117.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 11th day of July, 2019.

SUPPORT DATA

Water Resources Program Manager

Transfer No. 82591

IN FILE # 22-500B

WATER RIGHT NO. 22-500B
As Modified by Transfer No. 82591

In accordance with the approval of Transfer No. 82591, Water Right No. 22-500B is now described as follows:

Right Holder: RICHARD BERG AND
 MAVIS GALLENSON
 3670 MANDEVILLE CANYON RD
 BRENTWOOD, CA 90049

Priority Date: 6/1/1886

Source: SPRING CREEK

Tributary: TETON CREEK

BENEFICIAL USE
 IRRIGATION

From
 04/15

To
 to 10/31

Diversion Rate
 0.680 cfs
 0.680 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRING CREEK
 SPRING CREEK

NESW
 SWNWSW

Sec 31 Twp 05N Rge 46E TETON County
 Sec 31 Twp 05N Rge 46E TETON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	46E	31							20.0	19.0	38.0	40.0							117.0

Right Acre Limit: 34.0

POU Total Acres: 117.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 34 acres within the authorized place of use in a single irrigation season.
2. Water rights 22-500B, 22-14224, 22-14225 and 22-14226 are limited to the irrigation of a specific 101 acres within the 117 acre place of use authorized by the rights in a single irrigation season. The specific 101 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 101 acres to be irrigated within the 117 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 82591

WATER RIGHT NO. 22-500B

As Modified by Transfer No. 82591

CONDITIONS OF APPROVAL

4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement (Teton County, Instrument # 254859) to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Idaho Code § 42-1412(6); this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 22-14224

As Modified by Transfer No. 82591

In accordance with the approval of Transfer No. 82591, Water Right No. 22-14224 is now described as follows:

Right Holder: TETON FARMS I LLC
C/O RICHARD BERG
PO BOX 1670
DRIGGS, ID 83422

Priority Date: 12/20/1950

Source: SPRING CREEK

Tributary: TETON CREEK

BENEFICIAL USE
IRRIGATION

From
04/15

To
to 10/31

Diversion Rate
0.600 cfs
0.600 cfs

LOCATION OF POINT(S) OF DIVERSION

SPRING CREEK NESW Sec 31 Twp 05N Rge 46E TETON County
SPRING CREEK SWNWSW Sec 31 Twp 05N Rge 46E TETON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	46E	31							20.0	19.0	38.0	40.0							117.0

Right Acre Limit: 61.0
POU Total Acres: 117.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 61 acres within the authorized place of use in a single irrigation season.
2. Rights 22-14224, 22-14225 and 22-14226 when combined shall not exceed a total diversion rate of 1.4 cfs, and the irrigation of 67 acres.
3. Water rights 22-500B, 22-14224, 22-14225 and 22-14226 are limited to the irrigation of a specific 101 acres within the 117 acre place of use authorized by the rights in a single irrigation season. The specific 101 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 101 acres to be irrigated within the 117 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.

Transfer No. 82591

WATER RIGHT NO. 22-14224

As Modified by Transfer No. 82591

CONDITIONS OF APPROVAL

4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
5. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 1.
6. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
7. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement (Teton County, Instrument # 254859) to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 22-14225
As Modified by Transfer No. 82591

In accordance with the approval of Transfer No. 82591, Water Right No. 22-14225 is now described as follows:

Right Holder: TETON FARMS I LLC
 C/O RICHARD BERG
 PO BOX 1670
 DRIGGS, ID 83422

Priority Date: 12/19/1950

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/31	0.600 cfs	101.5 af
			0.600 cfs	101.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENW Sec 31 Twp 05N Rge 46E TETON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	46E	31							20.0	19.0	38.0	40.0							117.0

Right Acre Limit: 29.0

POU Total Acres: 117.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 29 acres within the authorized place of use in a single irrigation season.
2. Rights 22-14224, 22-14225 and 22-14226 when combined shall not exceed a total diversion rate of 1.4 cfs, and the irrigation of 67 acres.
3. Rights 22-13591, 22-14225 and 22-14226 when combined shall not exceed a total diversion rate of 1.5 cfs.

WATER RIGHT NO. 22-14225
As Modified by Transfer No. 82591

CONDITIONS OF APPROVAL

4. Water rights 22-14225 and 22-14226 are limited to the irrigation of a specific 67 acres within the 117 acre place of use authorized by the rights in a single irrigation season. The specific 67 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 67 acres to be irrigated within the 117 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. Water rights 22-500B, 22-14224, 22-14225 and 22-14226 are limited to the irrigation of a specific 101 acres within the 117 acre place of use authorized by the rights in a single irrigation season. The specific 101 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 101 acres to be irrigated within the 117 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement (Teton County, Instrument # 254859) to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 22-14226

As Modified by Transfer No. 82591

In accordance with the approval of Transfer No. 82591, Water Right No. 22-14226 is now described as follows:

Right Holder: TETON FARMS I LLC
C/O RICHARD BERG
PO BOX 1670
DRIGGS, ID 83422

Priority Date: 7/21/1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/15	0.600 cfs	111.0 af
			0.600 cfs	111.0 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER SENW Sec 31 Twp 05N Rge 46E TETON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	46E	31							20.0	19.0	38.0	40.0							117.0

Right Acre Limit: 37.0

POU Total Acres: 117.0

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 37 acres within the authorized place of use in a single irrigation season.
2. Rights 22-14224, 22-14225 and 22-14226 when combined shall not exceed a total diversion rate of 1.4 cfs, and the irrigation of 67 acres.
3. Rights 22-13591, 22-14225 and 22-14226 when combined shall not exceed a total diversion rate of 1.5 cfs.

WATER RIGHT NO. 22-14226

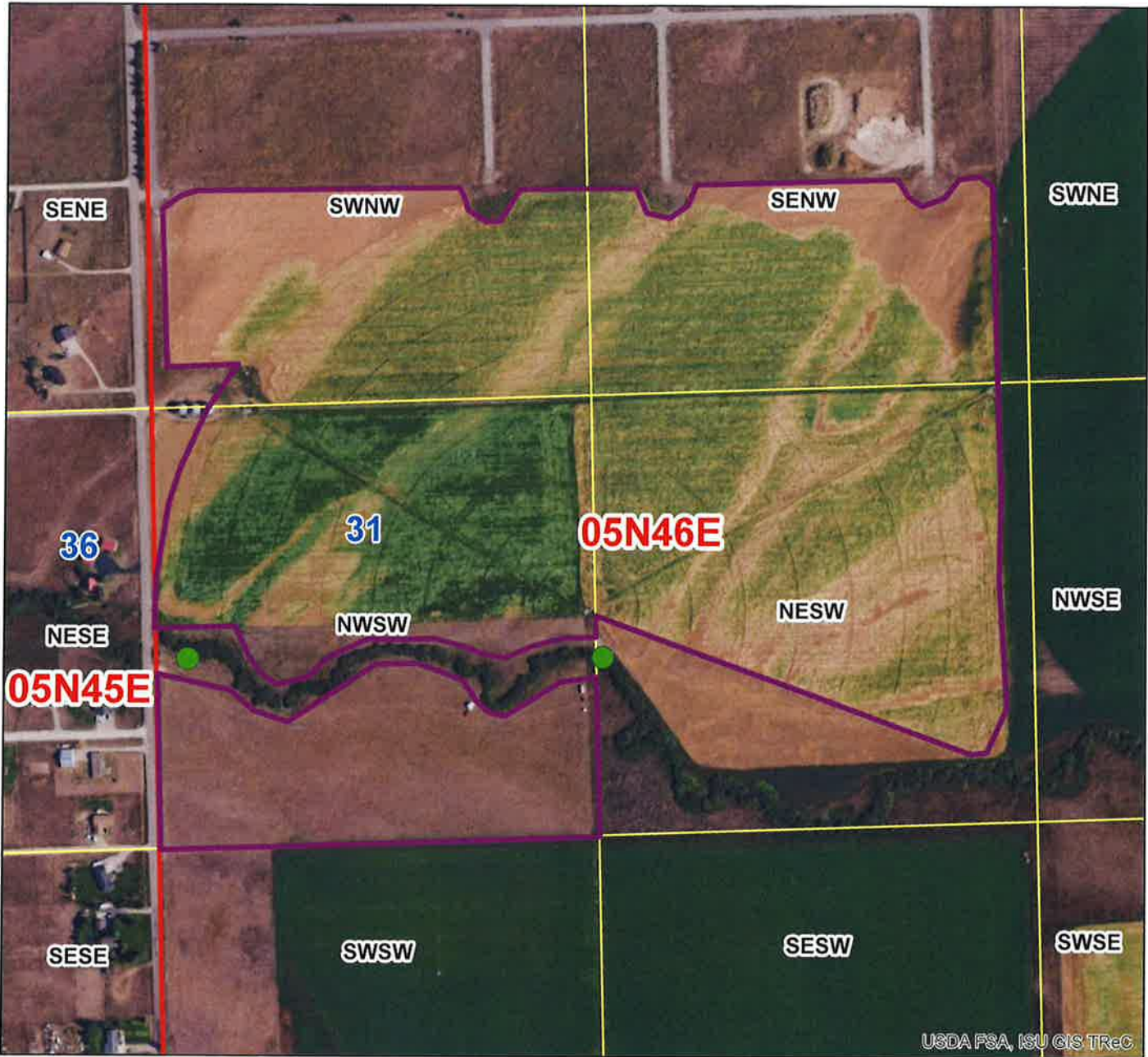
As Modified by Transfer No. 82591

CONDITIONS OF APPROVAL

4. Water rights 22-14225 and 22-14226 are limited to the irrigation of a specific 67 acres within the 117 acre place of use authorized by the rights in a single irrigation season. The specific 67 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 67 acres to be irrigated within the 117 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
5. Water rights 22-500B, 22-14224, 22-14225 and 22-14226 are limited to the irrigation of a specific 101 acres within the 117 acre place of use authorized by the rights in a single irrigation season. The specific 101 acres to be irrigated by the right holder shall be identified prior to use by submittal of a land list and a representative electronic shape file or by submittal of a land list and a map sufficiently detailed to allow creation of an electronic shape file to be associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 101 acres to be irrigated within the 117 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement (Teton County, Instrument # 254859) to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
8. This right does not grant any right-of-way or easement across the land of another.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

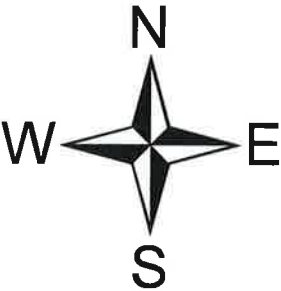
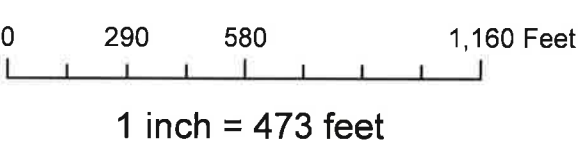
Attachment to Transfer Approval 82591

This map depicts the IRRIGATION place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

- Water Right POD
- Water Right POU
- Township/Range
- Sections
- QQ



Date: 7/11/2019